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**From:** Boydston, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DCF50BF734B64D33AE1C963B175A3487-BOYDSTON, MICHAEL]  
**Sent:** 4/10/2018 10:00:05 PM  
**To:** Shea, Valois [Shea.Valois@epa.gov]  
**CC:** Chin, Lucita [chin.lucita@epa.gov]  
**Subject:** FW: Draft FAQ about Lead Federal Agencies in Section 106 Review  
**Attachments:** Lead Federal Agency FAQs draft 4-6-18.docx

## Ex. 5 Attorney Client (AC)

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Michael Boydston  
Senior Assistant Regional Counsel  
EPA Region 8  
303.312.7103

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**From:** Nowakowski, Matt  
**Sent:** Monday, April 9, 2018 7:13 PM  
**To:** Nowakowski, Matt <Nowakowski.Matt@epa.gov>  
**Subject:** FW: Draft FAQ about Lead Federal Agencies in Section 106 Review

FYI—for your situational awareness only. No response required.

Thanks  
Matt

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**From:** Reid Nelson [<mailto:rnelson@achp.gov>]  
**Sent:** Monday, April 09, 2018 10:33 AM  
**To:** fpo <[fpo@achp.gov](mailto:fpo@achp.gov)>  
**Cc:** FPOrep <[FPOrep@achp.gov](mailto:FPOrep@achp.gov)>  
**Subject:** Draft FAQ about Lead Federal Agencies in Section 106 Review

The Advisory Council on Historic Preservation (ACHP) has developed a set of FAQs for situations where an undertaking subject to review in accordance with Section 106 of the National Historic Preservation Act involves more than one federal agency. These FAQs provide detail about the option, offered at 36 CFR 800.2(a)(2) in the regulations implementing Section 106, for federal agencies to designate a lead for Section 106 purposes. The FAQs cover issues related to the roles of lead and non-lead agencies, the procedure for designating a lead agency, and responsibilities for lead agencies during a Section 106 review.

This information is timely given the current emphasis on conducting concurrent reviews and coordinating federal agency environmental review processes toward "One Federal Decision." We welcome any comments from Federal Preservation Officers on the draft guidance based on your experience in working with multiple

agency review scenarios and lead agency coordination. The ACHP will consider FPO comments in revising and finalizing the FAQs.

Please transmit your comments via email to Blythe Semmer at [bsemmer@achp.gov](mailto:bsemmer@achp.gov) by close of business on **April 23**. Thank you for your consideration and feedback.

Reid Nelson  
Director  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation